

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1516 of 1996

PURIBEN WD/O JOITARAM

SHIVABHAI

Versus

COLLECTOR

CORAM : MR.JUSTICE A.N.DIVECHA

Date of decision: 27/02/96

ORAL ORDER

A false statement is made in this petition that the order of 8th September 1994 (a copy of which is at Annexure-A to this petition) was received after expiry of the time-limit of 21 days for payment of the premium amount. The falsity of the statement becomes clear from the application made by petitioner No.2 on behalf of the petitioners (a copy of which is at Annexure- B to this petition). It has clearly been mentioned therein that, after receipt of the order at Annexure-A to this petition, the amount could not be paid up on account of sickness of the applicant's brother. The petitioners have thus tried to mislead this court by making such false statement in this petition.

2. Besides, the order of 25th May 1995 (a copy of which is at Annexure-C to this petition) has come to be challenged after delay of some nine months. There is no whisper or explanation about such delay on the part of the petitioners. It would mean that the petitioners are not keen to pay the amount of premium as per the order at Annexure-A to this petition.

3. Even otherwise, the order at Annexure-C to this petitioner calls for no interference on merits. The condition precedent for passing the order at Annexure-A to this petition was the action on the part of the petitioners to be taken within 21 days from its date. That condition precedent has not been fulfilled. In that view of the matter, the impugned order at Annexure-C to this petition calls for no interference by this court in this petition under Article 226 of the Constitution of India. It is therefore summarily rejected.

27th February 1996 (A.N.DIVECHA, J.)